

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE, EASTERN DIVISION**

**DEBBIE BARRETT;
CRYSTAL WALFORD;
SONJA LEFLER; SHARON SKUFCA;
MISTY YERBY; DANA MCFALL;
SHEILA WILKERSON; VALERIE
KINNEY; RHONDA KELLEY;
BRANDON GARRARD; GREGORY
CHERRY; BRIAN BOERSMA; MICHAEL
RISNER; JEREMY HURST; and JAMES
CUMMINGS,**

Plaintiffs

v.

No.: 1:05-cv1140 T/AN

HARDIN COUNTY, TENNESSEE,

Defendant.

CONSENT ORDER GRANTING PRELIMINARY INJUNCTION

This cause came to be heard upon Plaintiffs Application for Preliminary Injunction.

IT APPEARING TO THE COURT, that Debbie Barrett and fourteen other inmates incarcerated in the Hardin County Jail, filed suit in the Circuit Court of Tennessee for the 24th Judicial District, seeking declaratory and injunctive relief as to conditions in the Hardin County Jail. The suit was styled *Barrett et al v. Hardin County, Tennessee*, Dk. No. 3958, filed May 2, 2005. The suit alleges conditions at the Hardin County Jail violate the Eighth and Fourteenth Amendments to the United States Constitution, and Article I §32 of the Tennessee Constitution.

IT FURTHER APPEARING TO THE COURT, that the suit was removed by Hardin County to the United States District Court for the Western District of Tennessee, Eastern Division on May 13, 2005.

FILED BY JS D.C.
05 OCT 25 AM 9:58
U.S. DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

IT FURTHER APPEARING TO THE COURT, that on June 23, 2005, this court entered a “Consent Order Certifying Class Action,” certifying a class for declaratory and injunctive relief, in accordance with Rule 23(b)(2) of the Federal Rules of Civil Procedure. The class is defined as “All persons who are presently or in the future will be, incarcerated in the Hardin County Jail.”

IT FURTHER APPEARING TO THE COURT, that the parties consent to entry of a preliminary injunction for violation of Article I, §32 of the Tennessee Constitution. The parties agree and consent that this court may enter preliminary injunctive relief for violation of the Tennessee Constitution without convening a three district judge court as contemplated by 18 U.S.C. §3626.

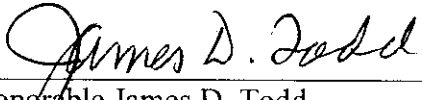
IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED BY CONSENT, that:

1. Pending completion of a new jail facility, there shall be a maximum number of 44 men and 8 women incarcerated at the current Hardin County Jail facility, at any given time. Furthermore, the maximum number of inmates incarcerated in each cell of the current Hardin County Jail facility at any given time shall be as follows:

A.	Women’s cell	8
B.	Men’s dormitory, west of corridor, north side	8
C.	Men’s dormitory, west of corridor, south side not adjacent to corridor	8
D.	Men’s cell block, west of corridor, adjacent to cell block	4
E.	Men’s dormitory east of corridor, north side	8
F.	Men’s dormitory east of corridor, south side not adjacent to corridor	8
G.	men’s dormitory east of corridor, adjacent to corridor	8

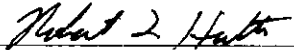
2. This order shall become enforceable, and effective sixty days after entry.

It is so ordered by consent, this 24th day of October, 2005



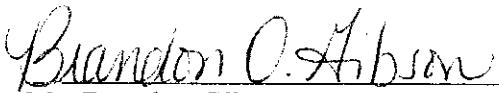
Honorable James D. Todd
United States District Judge

We Consent:



Robert L. Hutton
Glankler Brown, PLLC
1700 One Commerce Square
Memphis, Tennessee 38103

Attorney for Plaintiffs



Ms. Brandon Gibson
106 Stonebridge Boulevard
Jackson, Tennessee 38305

Attorney for Hardin County

F:\CLIENTS\Hardin County Inmates (17115)\Hardin County Jail (39244)\Pleadings\Consent Order Granting Preliminary Injunctive Relief.doc



Notice of Distribution

This notice confirms a copy of the document docketed as number 12 in case 1:05-CV-01140 was distributed by fax, mail, or direct printing on October 26, 2005 to the parties listed.

C. Barry Ward
GLANKLER BROWN, PLLC
One Commerce Square
Suite 1700
Memphis, TN 38103

Robert L. Hutton
GLANKLER BROWN, PLLC
One Commerce Square
Suite 1700
Memphis, TN 38103

Brandon O. Gibson
PENTECOST GLENN & RUDD, PLLC
106 Stonebridge Blvd.
Jackson, TN 38305

Honorable James Todd
US DISTRICT COURT